

U.S. Application Serial No. 10/749,711

R E M A R K S

The present amendment is in response to the Official Action dated October 3, 2005, where the Examiner rejected claims 1-24. More specifically, the Examiner rejected claims 1-24, under 35 USC §103(a) as being unpatentable over Chaskar, US Patent Application Publication No. 2004/0224702, in view of Himmelstein, US Patent Application Publication No. 2004/0162064. However in reviewing the references in light of the claims, as presently pending, the references being relied upon by the Examiner fail to make known or obvious each and every feature of the claims, and therefore fail to make known or obvious the same. Namely, none of the references relied upon by the Examiner make known or obvious at least "dispatching a service provider to the user based upon the requested service and the location information" (claim 1), as well as a "service provider (which is) dispatched to the user responsive to the service request and the location information" (claims 13 and 24). In addition to amending claims 13 and 24, so as to make the same more clear, the applicant has additionally amended several portions of the specification, so as to more closely correlate the reference numbers used in the drawings and the written description.

In rejecting the claims, the Examiner has relied upon Chaskar, '702, as allegedly making known the above noted missing features, which corresponds to a dispatched service provider or the dispatching of a service provider. However, upon review of the reference, no such service provider is dispatched. Alternatively, Chaskar, '702, makes reference to the location based service being transmitted, which is not the same as dispatching a service provider, as provided by the claims. As such, it is equally unclear how a second communication connection could be established with such an entity, in a context consistent with the claims, in so far as the primary reference fails to make known the dispatching of and/or a dispatched service provider. Consequently, the basis for the alleged combination of references appears to similarly be problematic (i.e. there is no nexus of features that would support such a combination in a context which is consistent with the present application). However, such an analysis is superfluous in so far as neither of the two references can cure the lack of a teaching relative to the above noted feature, regardless as to whether the references could be combined or not.

In absence of a combination of references, that make known each and every feature of the independent claims, regardless as to whether they are appropriately combinable, the Examiner

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has failed to properly present a prima facie showing of obviousness, and therefore has not supported a proper rejection of the claims. As such, the applicant would suggest that the withdrawal of the rejection is appropriate, and correspondingly the applicant would respectfully request that the Examiner reconsider the rejection. Furthermore, to the extent that the corresponding dependent claims incorporate additional features, which would only serve to further distinguish the claims from the presently relied upon reference, withdrawal of the rejection relative to the corresponding dependent claims would similarly be appropriate.

In view of the present amendments, and the above noted remarks, the applicant would respectfully request that the Examiner reexamine and similarly reconsider the claims. In absence of a properly presented rejection, allowance of the application is respectfully requested.

Respectfully submitted,

BY: Lawrence J. Chapa
Lawrence J. Chapa
Reg. No. 39,135
Phone (847) 523-0340
Fax. No. (847) 523-2350

Motorola, Inc.
Mobile Devices
Intellectual Property Department
600 North US Highway 45, RM W4-35
Libertyville, IL 60048